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March 13, 2015

Via Electronic Mail Only

Mr. Adam Laputz
Assistant Executive Officer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
adam.laputz@waterboards.ca.gov

Re: Proposed Revisions to the Waste Discharge Requirements for Growers
within the Eastern San Joaquin River Watershed (R5-2012-0116-02)

Dear Mr. Laputz:

The Eastern San Joaquin Water Quality Coalition (ESJWQC) appreciates the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) proposed revisions to Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed (Order R5-2012-0116-02), as we requested in our January 20, 2015 communication to Susan Fregien. Overall, we support the revisions as proposed. However, we provide additional comments here. Specifically, we provide comments on the lack of revisions with respect to the video option for grower outreach event participation and the due date for a comprehensive Groundwater Quality Management Plan.

I. Video Option for Grower Outreach Event Participation

In our January 20, 2015 communication, we requested that Order R5-2012-0116-02 be revised to allow growers in high vulnerability areas to comply with their annual outreach monitoring event through alternative means. Specifically, we asked that Provision IV.B.4 be revised by including the following:

As an alternative to attending a third-party outreach event, a Member may watch a video of an event at a location designated by the third party, or by downloading a video from the approved third party's website. In the event a Member chooses to watch a video from the website, the Member will need to confirm viewing of the video by responding to questions and submitting the responses to the third-party group.

The proposed revisions for consideration do not include this requested revision. With these comments, we ask the Central Valley Water Board to reconsider our request. We believe this request to be reasonable and appropriate for several reasons.

First, while the ESJWQC understands the importance of grower education and outreach, actual physical attendance by all growers subject to the requirements of at least one event annually is not always feasible. The ESJWQC holds such events periodically but, as a practical matter, due to the number of growers that are subject to the requirement, it is not possible for the ESJWQC to ensure that such events accommodate all growers and all grower schedules. Thus, it is possible for growers to not be available when the periodic outreach events are held.

Second, some growers may have physical limitations that would make attending such meetings difficult. Many growers in the ESJWQC are elderly and are not physically able to attend these meetings in person.

Third, the ESJWQC believes that delivery of the message and information is more important than the method of delivery. For example, it is more important that a grower hear the information being provided rather than hearing the information in person. To address concerns that video or web-delivered information would create a system whereby growers could avoid meeting the requirements altogether by merely stating that "they watched the video," the ESJWQC proposes that any individual looking to comply with the order requirement in this manner be required to take and submit a quiz to the third party. The quiz would be set up to ensure that it could not be answered without watching the video in its entirety. Further, this approach is not novel. Many continuing education requirements (e.g., continuing legal education for attorneys) can be met by viewing videos and/or reading articles with verification obtained through taking and submitting a quiz.

With submittal of the quiz, the third party could also request the submitter to state why attendance at an actual outreach event was not possible. With this additional information, the ESJWQC could work directly with growers to try and limit use of videos for education and outreach to situations where it is just not feasible for an individual grower to attend an in-person or outreach event that year. Lastly, the ESJWQC intends to work with Central Valley Water Board staff to ensure that the video content is consistent with information provided at the actual third-party outreach event.

Considering the proposed safeguards, the ESJWQC believes its request for this revision to be reasonable, and thus respectfully requests Order R5-2012-0116-02 be revised accordingly.

II. Due Date for Submittal of a Comprehensive Groundwater Quality Management Plan

The proposed revisions would change the due date for a comprehensive Groundwater Quality Management Plan from needing to be submitted along with a Groundwater Quality Assessment Report to being due 60 days after the Executive Officer approves the Groundwater Assessment Report. Although not requested by the ESJWQC, we support the revisions.

Thank you for your considerations. If you have any questions, please call me at (559) 636-2224.

Sincerely,



Parry Klassen
Executive Director